

ASSEMBLY BILL

No. 1429

Introduced by Assembly Member Evans

February 27, 2009

An act to amend Section 3533 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1429, as introduced, Evans. Excluded employees: meet and confer rights.

Existing law, the Bill of Rights for State Excluded Employees, requires the state to meet and confer, upon request, with verified supervisory organizations representing supervisory employees on matters within the scope of representation, and requires a state employer to provide notice to, and meet and confer with, a verified supervisory employee organization prior to arriving at a determination of policy or course of action directly impacting supervisory employees. Existing law defines a “supervisory employee organization” and “managerial employees” for these purposes.

This bill would extend the rights described above to verified excluded employee organizations representing managerial or supervisory employees. The bill would require the state employer to provide notice to, and to meet and confer with, these parties prior to determining policy or taking action that directly impacts excluded employees generally.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3533 of the Government Code is amended to read:

3533. (a) Upon request, the state shall meet and confer with verified-supervisory *excluded employee* organizations representing supervisory or managerial employees on matters within the scope of representation. Prior to arriving at a determination of policy or course of action directly impacting—supervisory *excluded* employees, the state employer shall provide reasonable advance notice and provide the verified supervisory or managerial employee organizations an opportunity to meet and confer with the state employer to discuss alternative means of achieving objectives. Advance notice may be written, oral, or electronic. “Meet and confer” shall mean that the state employer shall consider, as fully as it deems reasonable, ~~such presentations as are any presentation that is made by the verified supervisory or managerial employee organization on behalf of its-supervisory members~~ *excluded employees* prior to arriving at a determination of policy or course of action. The final determination of policy or course of action shall be the sole responsibility of the state employer.

~~When~~
(b) If the state employer determines that, due to an emergency or other immediate operational necessity, a law, rule, resolution, or regulation must be adopted immediately without prior notice or meeting and conferring with excluded employee organizations, the state employer shall provide notice and opportunity to meet and confer at the earliest practical time following the adoption of the law, rule, resolution, or regulation.